

Message Text

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ACTION PPTE-00

INFO OCT-01 NEA-10 ISO-00 SCA-01 SNM-02 L-03 /017 W

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R 121135Z MAR 76

FM AMEMBASSY ISLAMABAD

TO SECSTATE WASHDC 4552

INFO AMCONSUL KARACHI

AMCONSUL LAHORE

UNCLAS ISLAMABAD 2645

E.O. 11652 N/A

TAGS : CPAS, SNAR: LIMITATION OF PASSPORTS IN NARCOTICS

ARREST CASES.

1. THIS EMBASSY HAS NOT MADE A PRACTICE OF LIMITING THE VALIDITY OF THE PASSPORTS OF AMERICAN CITIZENS WHO ARE CONVICTED OF CRIMES IN PAKISTAN UNLESS THERE IS AN OUTSTANDING FEDERAL WARRANT FOR THE PERSON'S ARREST IN THE UNITED STATES. HOWEVER, IN EMBASSY OFFICER WHO WAS FORMERLY A CONSULAR OFFICER AT ANOTHER POST REPORTS THAT IT WAS THE USUAL PRACTICE AT THAT POST, AFTER AN AMCIT WAS SENTENCED AND/OR RELEASED FROM DETENTION, TO LIMIT THE PASSPORT FOR DIRECT RETURN TO THE U.S.
2. 22 CFR 51.70(B)(4) STATES THAT A PASSPORT MAY BE REFUSED IF THE SECRETARY DETERMINES THAT THE NATIONAL'S ACTIVITIES ABROAD CAUSE SERIOUS DAMAGE TO NATIONAL SECURITY OR THE FOREIGN POLICY OF THE U.S. AND 22 CFR 51.71(C) STATES THAT "A PASSPORT MAY BE REVOKED, RESTRICTED, OR LIMITED, WHERE THE NATIONAL'S ACTIVITIES ABROAD ARE IN VIOLATION OF THE LAWS OF THE U.S. "
3. THE EMBASSY REQUESTS THE DEPARTMENT'S GUIDANCE ON WHETHER WE SHOULD LIMIT AN AMCIT'S PASSPORT IF HE OR SHE IS CONVICTED OF A SERIOUS CRIME. SINCE WE HAVE ALMOST NO EXPERIENCE HERE WITH ANYTHING OTHER THAN NARCOTICS--RELATED CRIME, OUR QUESTION RELATES PRIMARILY TO THAT. IT WOULD APPEAR THAT EXTENSIVE NARCOTICS SMUGGLING, FOR INSTANCE, IS NOT ONLY POSSIBLY INJURIOUS TO AMERICAN FOREIGN POLICY, BUT IS CERTAINLY AGAINST THE LAWS OF THE U.S.
4. WE REALIZE THAT THIS IS A SENSITIVE MATTER FOR TWO REASONS:
(1) IT INVOLVES THE RIGHT TO TRAVEL, A CITIZEN'S FUNDAMENTAL

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LIBERTY, AND (2) SINCE THE AUTHORITY TO ACT IS DISCRETIONARY, IT

IS POSSIBLE THAT IT COULD BE APPLIED UNFAIRLY OR UNEQUALLY.

5. QUESTIONS TO WHICH WE WOULD LIKE TO SEE THE DEPARTMENT ADDRESS ITSELF ARE: (1) WHETHER WE SHOULD BEGIN THE PRACTICE OF LIMITING PASSPORTS IN CONVICTION CASES IN WHICH THERE IS NOT AN ACTUAL FEDERAL WARRANT, AND IF WE DO, WHAT DISTINCTIONS AMONG TYPES AND SERIOUSNESS OF CRIMES SHOULD BE MADE? (2) IN NARCOTICS CASES, SHOULD LIMITATION APPLY TO ALL CASES OR ONLY THOSE INVOLVING LARGE AMOUNTS. (3) WHAT WOULD THE DEPARTMENT CONSIDER AS AN AMOUNT OF CONTRABAND LARGE ENOUGH TO WARRANT LIMITING THE PASSPORT?
BYROADE

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